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July 27<sup>th</sup>, 2022

To: Hon. Judge Lorna G. Schofield  
United States District Judge  
40 Foley Square  
New York, NY 10007  
*via ECF*

**Re: Opposition to Motion to Extend Time, Corbett v. Hochul, 1:22-CV-5867(LGS)(SDA)**

Dear Judge Schofield:

The government has moved the Court for an additional 39 days to answer the complaint filed by Plaintiff. ECF No. 7. The motion cites “novel constitutional issues raised” and “a vacation scheduled for early August.” By way of background, this case is a constitutional challenge to a law that takes effect September 1<sup>st</sup>, 2022.

A 39-day extension would be inappropriate because it would result in additional injury to Plaintiff and other New Yorkers affected by the law. The “novel constitutional issues” are of the Defendant’s own making by creating a law intended to press the limits of a Supreme Court mandate issued last month<sup>1</sup>. The fact that Plaintiff has not (yet) moved for a preliminary injunction is not particularly persuasive given the extraordinary nature of this remedy and the appearance of the government in this case only 1 day ago. The fact that the NYPD is slow-walking application decisions also does not tip the scales in favor of granting this motion: a decision on the merits would speed the application review process by removing investigative barriers.

Finally, while many in the legal practice could use a vacation and as an attorney, Plaintiff would not begrudge a colleague their time off without good cause as described *supra*, it should be noted that on June 30<sup>th</sup>, 2022, Defendant called every state legislator away from their vacations to pass the law challenged here<sup>2</sup>. The government has available to it the substantial resources of the Attorney General’s office, and one attorney’s vacation of unspecified length is

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<sup>1</sup> Surely the government “examined” the constitutionality of this law before passing it, and it would be most surprising if the Attorney General’s office had not been involved in that review.

<sup>2</sup> <https://www.governor.ny.gov/news/governor-hochul-announces-extraordinary-session-new-york-state-legislature-begin-june-30>

not cause to add 39 days of delay in the face of substantial injury to the public and to the opposing party.

Accordingly, Plaintiff opposes this motion.

Thank you,

/s/Jonathan Corbett

Jonathan Corbett, Esq.

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